

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1312 be amended to read as follows:

- 1 Page 2, line 24, strike "superintendent." and insert
- 2 "**superintendent who holds a license under IC 20-28-5.**".
- 3 Page 3, between lines 30 and 31, begin a new paragraph
- 4 and insert:
- 5 "SECTION 4. IC 20-26-5-4, AS ADDED BY P.L.1-2005,
- 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2006]: Sec. 4. In carrying out the school
- 8 purposes of a school corporation, the governing body acting on
- 9 the school corporation's behalf has the following specific
- 10 powers:
- 11 (1) In the name of the school corporation, to sue and be
- 12 sued and to enter into contracts in matters permitted by
- 13 applicable law.
- 14 (2) To take charge of, manage, and conduct the
- 15 educational affairs of the school corporation and to
- 16 establish, locate, and provide the necessary schools,
- 17 school libraries, other libraries where permitted by law,
- 18 other buildings, facilities, property, and equipment.
- 19 (3) To appropriate from the school corporation's general
- 20 fund an amount, not to exceed the greater of three
- 21 thousand dollars (\$3,000) per budget year or one dollar
- 22 (\$1) per pupil, not to exceed twelve thousand five
- 23 hundred dollars (\$12,500), based on the school

1 corporation's previous year's average daily membership  
2 (as defined in IC 21-3-1.6-1.1) to promote the best  
3 interests of the school corporation through:

4 (A) the purchase of meals, decorations, memorabilia,  
5 or awards;

6 (B) provision for expenses incurred in interviewing  
7 job applicants; or

8 (C) developing relations with other governmental  
9 units.

10 (4) To:

11 (A) Acquire, construct, erect, maintain, hold, and  
12 contract for construction, erection, or maintenance of  
13 real estate, real estate improvements, or an interest in  
14 real estate or real estate improvements, as the  
15 governing body considers necessary for school  
16 purposes, including buildings, parts of buildings,  
17 additions to buildings, rooms, gymnasiums,  
18 auditoriums, playgrounds, playing and athletic fields,  
19 facilities for physical training, buildings for  
20 administrative, office, warehouse, repair activities, or  
21 housing school owned buses, landscaping, walks,  
22 drives, parking areas, roadways, easements and  
23 facilities for power, sewer, water, roadway, access,  
24 storm and surface water, drinking water, gas,  
25 electricity, other utilities and similar purposes, by  
26 purchase, either outright for cash (or under  
27 conditional sales or purchase money contracts  
28 providing for a retention of a security interest by the  
29 seller until payment is made or by notes where the  
30 contract, security retention, or note is permitted by  
31 applicable law), by exchange, by gift, by devise, by  
32 eminent domain, by lease with or without option to  
33 purchase, or by lease under IC 21-5-10, IC 21-5-11,  
34 or IC 21-5-12.

35 (B) Repair, remodel, remove, or demolish, or to  
36 contract for the repair, remodeling, removal, or  
37 demolition of the real estate, real estate  
38 improvements, or interest in the real estate or real  
39 estate improvements, as the governing body  
40 considers necessary for school purposes.

41 (C) Provide for energy conservation measures  
42 through utility energy efficiency programs or under  
43 a guaranteed energy savings contract as described in  
44 IC 36-1-12.5.

45 (5) To acquire personal property or an interest in personal  
46 property as the governing body considers necessary for

1 school purposes, including buses, motor vehicles,  
 2 equipment, apparatus, appliances, books, furniture, and  
 3 supplies, either by cash purchase or under conditional  
 4 sales or purchase money contracts providing for a  
 5 security interest by the seller until payment is made or by  
 6 notes where the contract, security, retention, or note is  
 7 permitted by applicable law, by gift, by devise, by loan,  
 8 or by lease with or without option to purchase and to  
 9 repair, remodel, remove, relocate, and demolish the  
 10 personal property. All purchases and contracts delineated  
 11 under the powers given under subdivision (4) and this  
 12 subdivision are subject solely to applicable law relating  
 13 to purchases and contracting by municipal corporations in  
 14 general and to the supervisory control of state agencies as  
 15 provided in section 6 of this chapter.

16 (6) To sell or exchange real or personal property or  
 17 interest in real or personal property that, in the opinion of  
 18 the governing body, is not necessary for school purposes,  
 19 in accordance with IC 20-26-7, to demolish or otherwise  
 20 dispose of the property if, in the opinion of the governing  
 21 body, the property is not necessary for school purposes  
 22 and is worthless, and to pay the expenses for the  
 23 demolition or disposition.

24 (7) To lease any school property for a rental that the  
 25 governing body considers reasonable or to permit the free  
 26 use of school property for:

27 (A) civic or public purposes; or

28 (B) the operation of a school age child care program  
 29 for children five (5) years of age through fourteen  
 30 (14) years of age that operates before or after the  
 31 school day, or both, and during periods when school  
 32 is not in session;

33 if the property is not needed for school purposes. Under  
 34 this subdivision, the governing body may enter into a  
 35 long term lease with a nonprofit corporation, community  
 36 service organization, or other governmental entity, if the  
 37 corporation, organization, or other governmental entity  
 38 will use the property to be leased for civic or public  
 39 purposes or for a school age child care program.  
 40 However, if payment for the property subject to a long  
 41 term lease is made from money in the school  
 42 corporation's debt service fund, all proceeds from the long  
 43 term lease must be deposited in the school corporation's  
 44 debt service fund so long as payment for the property has  
 45 not been made. The governing body may, at the

governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents (**who are not required to hold a license under IC 20-28-5**), supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers is subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval to the end that the services are used by the school corporation when the

governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to refund to the employee or to the member the employee's or member's reasonable hotel and board bills and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school, the transportation to be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To levy taxes, to make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 21-2-21.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state government, the federal government, or from any other source.

(17) To defend any member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the

member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body, which rules, regulations, and procedures may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 21-2-19, and IC 21-2-21 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 21-2-19, and IC 21-2-21 by specific language or by reference to other law."

Page 9, between lines 4 and 5, begin new paragraph and insert:

"SECTION 8. IC 20-28-8-6, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) **If the superintendent holds a license under IC 20-28-5**, the basic contract must be in the form of the regular teacher's contract.

(2) The contract must be for a term of at least thirty-six

- 1 (36) months.
- 2 (3) The contract may be altered or rescinded for a new
- 3 one at any time by mutual consent of the governing body
- 4 and the superintendent. The consent of both parties must
- 5 be in writing and must be expressed in a manner
- 6 consistent with this section and sections 7 through 8 of
- 7 this chapter.
- 8 **(4) If the superintendent holds a license under IC 20-**
- 9 **28-5,** the rights of ~~a~~ **the** superintendent as a teacher under
- 10 any other law are not affected by the contract."
- 11 Page 19, line 19, after "JULY 1, 2006]:" insert "**IC 20-23-**
- 12 **2-7,**".
- 13 Renumber all SECTIONS consecutively.
- (Reference is to HB 1312 as printed January 27, 2006.)

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Representative TURNER